1950

File No. Agril. Produce Markets II/50 (M)

Legal Department—

B **BRANCH**

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Subject:—

Notifications under the Agricultusal Produce Markets Act, 1939

P 9

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File No. Agril Produce Markets II/50 (M)

454 B

Gen. 194

The mere omission of a reference to 'mug' in the preambles to the notifications Nos. 190 and 190(a), dated 16th February 1950 would not affect the earlier notification No. 9755/39 dated 9th October 1948 and under that notification the area of Shahada Taluka would continue to be the market area for the purposes of the Bombay Agricultural Produce Markets Act in respect of mug also. However, to make the position clear, it would be desirable to amend both the notifications issued on 16th February 1950 so as to include reference to mug in the preambles ~~taxkmaxmaxdx~~ notifications. It may be incidentally mentioned here that the notification No.190(a), dated 16th February 1950 omits in the preamble also reference to wheat, bajri and jowar on the footing that those articles are taken out from the purview of the old notifications of the 9th Oct. 1948 by the later notification No. 190 ~~maxdx~~ of 16th February 1950. This position may also be made clear while amending notification No.190(a) of 16th February 1950 by giving reference to the earlier notification of 9th October 1948 as read with notification No. 190 of 16th February 1950.

Sd. J.R.Dhurandhar.
8/4

Additional Secretary to Government.

U.R. to D.P.No. 4751, dated the 8th April 1950

Submitted with reference to D.D. note at p.6 ante.

2. By G.N.D.B. No.1335/49, dated the 2nd June 1949 issued under section 3(1) of the Bombay Agricultural Produce Markets Act, 1939 intention of regulating the purchase and sale of Mug, Math, Udid, ground nut (shelled and unshelled), sesamum, grass and fodder was declared in the area of Viramgaon Taluka in Ahmedabad District. But now, final notification which is sent to this Dept. for scrutiny is only in respect of grass and fodder. The Department has asked for advice whether it would be better to mention in para 2 that " the Govt. of Bombay was pleased to declare ---------- in the said area. " as they think that that might bring out the final restrictive list in para 3 more clearly."

3. Under section 4(1) of the Act the Govt. may after the expiry of the period specified in the notification issued under section 3 and after considering such objections and suggestions as may be received before such expiry and after holding such inquiry as may be necessary, by notification in the Official Gazette, declare the area specified in the notification under section 3 or any portion thereof to be a market area for the purpose of this Act in respect of all or any of the kinds of agricultural produce specified in the said notification. So the proposal is intra vires section 4(1) of the Bombay Agricultural Produce Market Act, 1939. But the word regulate is not to be used under S-4(1) of the Act; hence it is amended accordingly.

4 - The draft notification at p.-77 as amended is in order.

Legal Department.

There is no objection to issue the order on the lines suggested by the Secretarty, Development Department, in his note at page 6 ante.

A revised draft order is sent herewith.

Sd. J.R.Dhurandhar.
26/6

Additional Secretarty to Government.

U.R. to D.D. No.8816, dated the 27th June 1950.

VGP. 27-6-56.

NOTIFICATION.

Development Department.

Bombay Castle, June 1950.

Bombay Agricultural Produce Markets Act, 1939.

No. 770- Whereas by Government Notification in the Revenue Department, No. 7158/39 dated the 3rd May 1943 issued under the provisions of sub-section (1) of section 4 of the Bombay Agricultural Produce Markets Act 1939 (Bom XXII of 1939), the Government of Bombay was pleased todeclare the area of Viramgaon taluka in the Ahmedabad district as a market area for the purposes of the said Act (hereinafter referred to as the "said marke area") in respect of cotton.

2. And whereas by Government Notification in the Revenue Department No. 1336/49 dated the 2nd June 1949 issued under the provisions of section 3 of the Bombay Agricultural Produce Markets Act, 1939, the Government of Bombay was pleased todeclare its intention to regulate the purchase and sale of grass and fodder and some ka oth other agricultural produce in addition to cotton in the said market area.

3. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 4 of the Bombay Agricultural Produce Markets Act 1939, the Government of Bombay is pleased to regulate with effect from 1st July 1950, the purchase or sale of grass and fodder, in addition to cotton, in the said market area.

By order of the Governor of Bombay

Secretary to Government.

NOTIFICATION.

Development Department.

Bombay Castle, June 1950.

Bombay Agricultural Produce Markets Act, 1939.

No. 770- Whereas by Government Notification in the Revenue Department, No. 7158/39 dated the 3rd May 1943 issued under the provisions of sub-section (1) of section 4 of the Bombay Agricultural Produce Markets Act 1939 (Bom XXII of 1939), the Government of Bombay was pleased todeclare the area of Viramgaon taluka in the Ahmedabad district as a market area for the purposes of the said Act (hereinafter referred to as the "said marke area") in respect of cotton.

2. And whereas by Government Notification in the Revenue Department No. 1336/40 dated the 2nd June 1949 issued under the provisions of section 3 of the Bombay Agricultural Produce Markets Act, 1939, the Government of Bombay was pleased todeclare its intention to regulate the purchase and sale of grass and fodder and some or all other agricultural produce in addition to cotton in the said market area.

3. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 4 of the Bombay Agricultural Produce Markets Act 1939, the Government of Bombay is pleased to regulate with effect from 1st July 1950, the purchase or sale of grass and fodder, in addition to cotton, in the said market area.

By order of the Governor of Bombay

Secretary to Government.

Legal Department.

The Development Department has referred on the 21st April 1950, to the notification No. 190 of 16th February 1950 which was not in fact issued. As the notification therefore, of 21st April at page 111 which refers to the said notification itself becomes ineffective and will have to be cancelled again.

The Development Department further points out that erratum at page 113 was wrongly issued as the notification to which it was an erratum has not been published. This erratum therefore required to be cancelled. The draft at page 125 as amended may now issue.

The only two things for which notifications under the Act are required are (1) the inclusion of sale and purchase of cattle in the market area and (2) the exclusion of sale and purchase of wheat , jowar and bajra from the market area. To achieve the first object, notification as in the revised draft No II may issue. It supersedes Government Notification, Development Department No.190(a) dated 21st April 1950 as that notification was ineffective as stated in para one above.

As regards the second object i.e. the exclusion of sale and purchase of jowar, bajra and wheat, the provisions of sub-section (4) of section 4 of the Act do not require the previous notification under section 3. The other revised draft notification No. I may therefore issue, and the revised draft notification No II may issue thereafter on the same day or any other subsequent day so that the omission to the references to wheat, jowar and bajra can be justified on the ground that they are excluded by the notification No. I.

Sd. J.R.Dhurandhar.
27/6

Additional Secretarty to Government.

U.R. to D.D. No. 8804 dated the 27th June 1950

Notification.

Development Department,

Bombay Castle, 1950.

The Bombay Agricultural Produce Markets Act, 1939.

No. 190 :- Whereas by Government Notification in the Revenue Department, No. 9755/39, dated 9th October 1948 issued under the provisions of sub-section (1) of section 4 of the Bombay Agricultural Produce Markets Act. 1939 (Bom XXII of 1939), the Government of Bombay was pleased to declare the area of Shahada taluka of West Khandesh District, (hereinafter referred taluka to as the 'said' market area) for the purposes of the said Act in respect of cotton (ginned and Unginned) grount nut (shelled and unshelled), udid mug, tur, gram, sesamum, wheat, bajra and jowar.

2. And, whereas, in view of Government revised food grains policy reimposing controls, wheat, bajri and jowar are now required to be excluded from the operation of the Bombay Agricultural Produce Markets Act, 1939 in the said area.

3. Now, therefore in exercise of the powers conferred by section (4) of section 4 of the Bombay Agricultural Produce Markets Act, 1939 the Government of Bombay is pleased to exclude wheat, bajri and jowar from the market.

By order of the Governor of Bombay.

Secretary to Government.

To be published in Part IV-B of the Bombay Government Gazette and returned with 30 copies.

By order of the Governor of Bombay.

Assistant Secretary to the Government of Dombay,
Development Department.

VGP. 27-6-56.

NOTIFICATION.

Development Department,

Bombay Castle, 1950.

The Bombay Agricultural Produce Markets Act, 1939.

No.190(a) :- Whereas by Government Notification, in the Revenue Department, No. 9755/39, dated 9th October 1948 read with Government Notification No. 190 dated 1950, issued under the provision of sub-section (4) of section 4 of the Bombay Agricultural Produce Markets Act, 1939 (Bom XXII of 1939), the Government of Bombay was pleased to declare the area of Shahada Taluka in the West Khandesh District, (hereinafter referred to as the "said area") for the purposes of the said Act, in respect of cotton, (ginned and unginned) groundnut, (shelled and unshelled) udid, mug, tur, gram and sesamum.

And whereas it is proposed to regulate the purchase and sale of cattle in addition to cotton (ginned and unginned), ground-nut, (shelled and unshelled), udid, mug tur, gram and sesamum in the said area.

Now therefore, in supersession of Government Notification No.190(a) dated the 21st April 1950 and in exercise of the powers conferred by section 3 of the said Act, the Government of Bombay is pleased to declare its intention to regulate the purchase and sale of cattel in addition to cotton (ginned and unginned), groundnut, (shelled and unshelled), udid, mug tur, gram and esamun in the said area.

Any objection or suggestions which may be received by the Secretary to Government Development Department on or before will be considered by Government.

By order of the Governor of Bombay.

Secretary to Government.

VMP. 27-6-56.

Before the draft notification at pages 9-11 ante is scrutinised, the Development Department is requested to furnish to this Department the notifications issued under section 4 of the Bombay Agricultural Produce Markets Act, 1939 declaring the Kapadvanj taluka as market area for the pruposes of the Act.

2. It is presumed that there are to be two market yards and the markets proper in the same market area. If so, Development Department should verify whether the areas of markets proper overlap each other or are independent. This information is necessary in order to prepare a draft order in compliance with rule 51 which provides that Government may declare any enclosure etc. in any market area to be a market yard and any area within such distance of the market yard as it thinks fir to be a market proper. It is not understood that is the meaning of "sub-market yard at Kathalal" in the draft at page 11 ante. Development Department should ascertain its exact implication.

Sd.

Additional Secretary to Government.

U.R. to Development Department No. 12200, dated the 25th August 1950

VGP. 27-6-56.

The Collector's draft at pp.9-11/C appears to allo cate a particular market yeed to a particular market proper. For the reasons given in Remembrancer of Legal Affair's opinion No. 5258 dated the 2nd August, 1943 this is not legally feasible. A revised draft notifi cation generally notifying two market yards and two mar kets proper in the same market area of KApadwanj Taluka is accordingly sent herewith (cf. R.D. Notification No. 6777/39(a), dated the 21st October 1943). Development Department should verify whether it carries out its object.

Sd. J.R.Dhurandhar.

Additional Secretary to Govem ment.

U.R. to D.D.No, 18161, dated the 23rd December 1950.

VGP. 27-6-56.